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Environment Department Issues Historic Cleanup Permit for U.S. Army's Fort Wingate Near Gallup, Plan Includes Extensive Work With Tribes

(Santa Fe, NM) — The New Mexico Environment Department (NMED) issued today a historic hazardous waste facility permit for closure, post-closure care, and corrective action at the U.S. Department of Army Fort Wingate Depot Activity (FWDA) site in McKinley County, New Mexico.

The permit is the first of its kind in the nation to require consultation with affected Indian tribes – in this case the Navajo Nation and the Pueblo of Zuni – regarding all significant site investigation and cleanup decisions. If the Army fails to consult with the tribes, it is subject to enforcement action by the state. Nearly all of the 25 square miles of the FWDA will eventually be transferred to the Navajo Nation and the Pueblo of Zuni.

“When I ran for governor, I promised New Mexicans I would fight to protect our heritage, our traditions, and our culture,” said Governor Richardson. “This permit will do all those things while also leading to more meaningful involvement and direct communication with our tribal neighbors.”

“By thinking outside of the box and involving the Pueblo of Zuni and the Navajo Nation in the earliest stages of developing the permit requirements, NMED has ensured that the tribes will have an important and continuing say in how their ancestral lands are handled during the cleanup and closure before it comes back to their control.” NMED Secretary Ron Curry said.

“This permit is a good example of environmental justice done correctly, as set out by Governor Richardson’s recent Executive Order,” said NMED Deputy Secretary Derrith Watchman-Moore. “And by incorporating tribal consultation as a requirement, the permit also reflects the Governor’s February Executive Order that he signed in February to establish a policy on tribal consultation with New Mexico’s sovereign nations.”

NMED led negotiations between the Army, Pueblo of Zuni, Navajo Nation, U.S. EPA and the U.S. Department of Interior between April and July 2005. An initial draft permit was issued September 2004. After receiving comments, a second draft permit, including changes derived from the negotiations, was issued for public comment in August 2005. NMED received comments through October 28, 2005, on the second draft permit. The terms of the permit become effective on December 31.

“Many people came together to negotiate the terms of this historic permit,” said Lawrence T. Morgan, Speaker of the Navajo Nation Council. “Now, the Navajo Nation is looking forward to the cleanup and eventually taking control of a safe and clean site.”

“The tribal council is very satisfied with the outcome of the negotiations. Also, the NMED people have really been very upfront with the discussions, so we were not led astray,” said Carmelita Sanchez, Lieutenant Governor for the Pueblo of Zuni. “I am really glad that the fruits of our labor are going to be realized.”

Army officials said they consider the permit agreement precedent setting in its innovative and collaborative approach to addressing unique tribal concerns.

“After six months of negotiations, 180 days of public comment and two draft permits, we think we have achieved something that is truly unique in terms of not only involving the tribes in making cleanup decisions, but also requiring the Army to ensure it actually happens,” said James Bearzi, NMED’s Hazardous Waste Bureau Chief. “NMED chose to look beyond the horizon and nurture a collaborative effort with the understanding that this land is going back to the Navajo Nation and the Pueblo of Zuni.”

Issued under the authority of the New Mexico Hazardous Waste Act, the permit requires the Army to close an Open Burn/Open Detonation Unit and surrounding explosives kickout area and conduct comprehensive investigation and cleanup of contaminated sites. The permit includes investigation and remediation of groundwater and sites contaminated during historic operations.

The permit also sets an enforceable schedule for the initiation of environmental cleanup work across the entire facility. The Navajo Nation and Pueblo of Zuni helped determine the cleanup priorities and the land transfer schedule.

FWDA has been in existence since 1848. Operations at FWDA have included generation, treatment, storage, disposal, and other management of solid and hazardous wastes including munitions and other explosives-related wastes. These wastes were generated, stored, treated and disposed of at numerous sites located throughout FWDA and have been classified by the NMED as solid waste management units (SWMUs) or Areas of Concern (AOCs). The types of hazardous and solid wastes that have been handled and disposed of include explosive compounds, metals, volatile and semi-volatile organic compounds, polychlorinated biphenyls, nitrates, and perchlorate.

NMED considered all written comments regarding the second draft permit and is issuing a final permit and responses to the comments received.

The permit and NMED’s responses to public comment are available at NMED’s offices at 2905 Rodeo Park Drive East Building 1 in Santa Fe, New Mexico, and at the NMED website:
<http://www.nmenv.state.nm.us/HWB/fwdaperm.html>.

For more information, contact Adam Rankin, NMED Communications Director, at (505) 827-0314.

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